

# **SUBSTITUTE HOUSE BILL 2427**

## **Cosmetology Apprenticeship Program**

**Effective date: 6/12/08**

### **RCW 18.16.020 Definitions.**

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

- (1) "Apprenticeship program" means a state-approved apprenticeship program pursuant to chapter 49.04 RCW and approved under RCW 18.16.280 for the training of cosmetology, barbering, esthetics, and manicuring.
- (2) "Apprentice" means a person who is engaged in a state-approved apprenticeship program and who must receive a wage or compensation while engaged in the program.
- (3) "Apprenticeship training committee" means a committee approved by the Washington apprenticeship and training council established in chapter 49.04 RCW.
- (4) "Department" means the department of licensing.
- (5) "Board" means the cosmetology, barbering, esthetics, and manicuring advisory board.
- (6) "Director" means the director of the department of licensing or the director's designee.
- (7) "The practice of cosmetology" means arranging, dressing, cutting, trimming, styling, shampooing, permanent waving, chemical relaxing, straightening, curling, bleaching, lightening, coloring, waxing, tweezing, shaving, and mustache and beard design of the hair of the face, neck, and scalp; temporary removal of superfluous hair by use of depilatories, waxing, or tweezing; manicuring and pedicuring, limited to cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and nails of the hands and feet, excluding the application and removal of sculptured or otherwise artificial nails; esthetics limited to toning the skin of the scalp, stimulating the skin of the body by the use of preparations, tonics, lotions, or creams; and tinting eyelashes and eyebrows.
- (8) "Cosmetologist" means a person licensed under this chapter to engage in the practice of cosmetology.
- (9) "The practice of barbering" means the cutting, trimming, arranging, dressing, curling, shampooing, shaving, and mustache and beard design of the hair of the face, neck, and scalp.
- (10) "Barber" means a person licensed under this chapter to engage in the practice of barbering.
- (11) "Practice of manicuring" means the cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and the nails of the hands or feet, and the

application and removal of sculptured or otherwise artificial nails by hand or with mechanical or electrical apparatus or appliances.

(12) "Manicurist" means a person licensed under this chapter to engage in the practice of manicuring.

(13) "Practice of esthetics" means care of the skin by application and use of preparations, antiseptics, tonics, essential oils, or exfoliants, or by any device or equipment, electrical or otherwise, or by wraps, compresses, cleansing, conditioning, stimulation, pore extraction, or product application and removal; the temporary removal of superfluous hair by means of lotions, creams, mechanical or electrical apparatus, appliance, waxing, tweezing, or depilatories; tinting of eyelashes and eyebrows; and lightening the hair, except the scalp, on another person.

(14) "Esthetician" means a person licensed under this chapter to engage in the practice of esthetics.

(15) "Instructor-trainee" means a person who is currently licensed in this state as a cosmetologist, barber, manicurist, or esthetician, and is enrolled in an instructor-trainee curriculum in a school licensed under this chapter.

(16) "School" means any establishment that offers curriculum of instruction in the practice of cosmetology, barbering, esthetics, manicuring, or instructor-trainee to students and is licensed under this chapter.

(17) "Student" means a person sixteen years of age or older who is enrolled in a school licensed under this chapter and receives instruction in any of the curricula of cosmetology, barbering, esthetics, manicuring, or instructor-training with or without tuition, fee, or cost, and who does not receive any wage or commission.

(18) "Instructor" means a person who gives instruction in a school, or who provides classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter, has completed at least five hundred hours of instruction in teaching techniques and lesson planning in a school, and has passed a licensing examination approved or administered by the director. An applicant who holds a degree in education from an accredited postsecondary institution shall upon application be licensed as an instructor to give instruction in a school, or to provide classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter. An applicant who holds an instructional credential from an accredited community or technical college and who has passed a licensing examination approved or administered by the director shall upon application be licensed as an instructor to give instruction in a school, or to provide classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter. To be approved as an "instructor" in an approved apprenticeship program, the instructor must be a competent instructor as defined in rules adopted under chapter 49.04 RCW.

- (19) "Apprentice trainer" means a person who gives training to an apprentice in an approved apprenticeship program and who is approved under RCW 18.16.280.
- (20) "Person" means any individual, partnership, professional service corporation, joint stock association, joint venture, or any other entity authorized to do business in this state.
- (21) "Salon/shop" means any building, structure, or any part thereof, other than a school, where the commercial practice of cosmetology, barbering, esthetics, or manicuring is conducted; provided that any person, except employees of a salon/shop, who operates from a salon/shop is required to meet all salon/shop licensing requirements and may participate in the apprenticeship program when certified as established by the Washington state apprenticeship and training council established in chapter 49.04 RCW.
- (22) "Approved apprenticeship shop" means a salon/shop that has been approved under RCW 18.16.280 and chapter 49.04 RCW to participate in an apprenticeship program.
- (23) "Crossover training" means training approved by the director as training hours that may be credited to current licensees for similar training received in another profession licensed under this chapter.
- (24) "Approved security" means surety bond.
- (25) "Personal services" means a location licensed under this chapter where the practice of cosmetology, barbering, manicuring, or esthetics is performed for clients in the client's home, office, or other location that is convenient for the client.
- (26) "Individual license" means a cosmetology, barber, manicurist, esthetician, or instructor license issued under this chapter.
- (27) "Location license" means a license issued under this chapter for a salon/shop, school, personal services, or mobile unit.
- (28) "Mobile unit" is a location license under this chapter where the practice of cosmetology, barbering, esthetics, or manicuring is conducted in a mobile structure. Mobile units must conform to the health and safety standards set by rule under this chapter.
- (29) "Curriculum" means the courses of study taught at a school, or in an approved apprenticeship program established by the Washington state apprenticeship and training council and conducted in an approved salon/shop, set by rule under this chapter, and approved by the department. After consulting with the board, the director may set by rule a percentage of hours in a curriculum, up to a maximum of ten percent that could include hours a student receives while training in a salon/shop under a contract approved by the department. Each curriculum must include at least the following required hours:

(a) School curriculum:

- (i) Cosmetologist, one thousand six hundred hours;
- (ii) Barber, one thousand hours;
- (iii) Manicurist, six hundred hours;
- (iv) Esthetician, six hundred hours;
- (v) Instructor-trainee, five hundred hours.

(b) Apprentice training curriculum:

- (i) Cosmetologist, two thousand hours;
- (ii) Barber, one thousand two hundred hours;
- (iii) Manicurist, eight hundred hours;
- (iv) Esthetician, eight hundred hours.

(30) "Student monthly report" means the student record of daily activities and the number of hours completed in each course of a curriculum that is prepared monthly by the school and provided to the student, audited annually by the department, and kept on file by the school for three years.

(31) "Apprentice monthly report" means the apprentice record of daily activities and the number of hours completed in each course of a curriculum that is prepared monthly by the approved apprenticeship program and provided to the apprentice, audited annually by the department, and kept on file by the approved apprenticeship program for three years.

**RCW 18.16.030 Director — Powers and duties.**

In addition to any other duties imposed by law, including RCW 18.235.030 and 18.235.040, the director shall have the following powers and duties:

- (1) To set all license, examination, and renewal fees in accordance with RCW 43.24.086;
- (2) To adopt rules necessary to implement this chapter;
- (3) To prepare and administer or approve the preparation and administration of licensing examinations;
- (4) To establish minimum safety and sanitation standards for schools, instructors, cosmetologists, barbers, manicurists, estheticians, salons/shops, personal services, and mobile units;
- (5) To establish curricula for the training of students and apprentices under this chapter;
- (6) To maintain the official department record of applicants and licensees;
- (7) To establish by rule the procedures for an appeal of an examination failure;

(8) To set license expiration dates and renewal periods for all licenses consistent with this chapter;

(9) To ensure that all informational notices produced and mailed by the department regarding statutory and regulatory changes affecting any particular class of licensees are mailed to each licensee in good standing or on inactive status in the affected class whose mailing address on record with the department has not resulted in mail being returned as undeliverable for any reason; and

(10) To make information available to the department of revenue to assist in collecting taxes from persons required to be licensed under this chapter.

**RCW 18.16.050 Advisory board — Members — Compensation.**

(1) There is created a state cosmetology, barbering, esthetics, and manicuring advisory board consisting of a maximum of ten members appointed by the director. These members of the board shall include: A representative of private schools licensed under this chapter; a representative from an approved apprenticeship program conducted in an approved salon/shop; a representative of public vocational technical schools licensed under this chapter; a consumer who is unaffiliated with the cosmetology, barbering, esthetics, or manicuring industry; and six members who are currently practicing licensees who have been engaged in the practice of manicuring, esthetics, barbering, or cosmetology for at least three years. Members shall serve a term of three years. Any board member may be removed for just cause. The director may appoint a new member to fill any vacancy on the board for the remainder of the unexpired term.

(2) Board members shall be entitled to compensation pursuant to RCW 43.03.240 for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(3) The board may seek the advice and input of officials from the following state agencies: (a) The work force training and education coordinating board; (b) the department of employment security; (c) the department of labor and industries; (d) the department of health; (e) the department of licensing; and (f) the department of revenue.

**RCW 18.16.060 License required — Penalty — Exemptions.**

(1) It is unlawful for any person to engage in a practice listed in subsection (2) of this section unless the person has a license in good standing as required by this chapter. A license issued under this chapter shall be considered to be "in good standing" except when:

- (a) The license has expired or has been canceled and has not been renewed in accordance with RCW 18.16.110;
- (b) The license has been denied, revoked, or suspended under RCW 18.16.210, 18.16.230, or 18.16.240, and has not been reinstated;
- (c) The license is held by a person who has not fully complied with an order of the director issued under RCW 18.16.210 requiring the licensee to pay restitution or a

- fine, or to acquire additional training; or
- (d) The license has been placed on inactive status at the request of the licensee, and has not been reinstated in accordance with RCW 18.16.110(3).
- (2) The director may take action under RCW 18.235.150 and 18.235.160 against any person who does any of the following without first obtaining, and maintaining in good standing, the license required by this chapter:
- (a) Except as provided in subsections (3) and (4) of this section, engages in the commercial practice of cosmetology, barbering, esthetics, or manicuring;
  - (b) Instructs in a school;
  - (c) Operates a school; or
  - (d) Operates a salon/shop, personal services, or mobile unit.
- (3) A person who receives a license as an instructor may engage in the commercial practice for which he or she held a license when applying for the instructor license without also renewing the previously held license. However, a person licensed as an instructor whose license to engage in a commercial practice is not or at any time was not renewed may not engage in the commercial practice previously permitted under that license unless that person renews the previously held license.
- (4) An apprentice actively enrolled in an apprenticeship program for cosmetology, barbering, esthetics, or manicuring may engage in the commercial practice as required for the apprenticeship program.

**RCW 18.16.100 Issuance of licenses — Requirements.**

- (1) Upon completion of an application approved by the department and payment of the proper fee, the director shall issue the appropriate license to any person who:
- (a) Is at least seventeen years of age or older;
  - (b)(i) Has completed and graduated from a school licensed under this chapter in a curriculum approved by the director consisting of the hours of training required under this chapter for a school curriculum, or has met the requirements in RCW 18.16.020 or 18.16.130; or
  - (ii) Has successfully completed a state-approved apprenticeship program consisting of the hours of training required under this chapter for the apprentice training curriculum; and
  - (c) Has received a passing grade on the appropriate licensing examination approved or administered by the director.
- (2) A person currently licensed under this chapter may qualify for examination and licensure, after the required examination is passed, in another category if he or she has completed the crossover training course.
- (3) Upon completion of an application approved by the department, certification of insurance, and payment of the proper fee, the director shall issue a location license to the applicant.

(4) The director may consult with the state board of health and the department of labor and industries in establishing training, apprenticeship, and examination requirements.

**RCW 18.16.175 Salon/shop or mobile unit requirements — Liability insurance — Complaints — Inspection — Registration — Use of motor homes — Posting of licenses.**

- (1) A salon/shop or mobile unit shall meet the following minimum requirements:
  - (a) Maintain an outside entrance separate from any rooms used for sleeping or residential purposes;
  - (b) Provide and maintain for the use of its customers adequate toilet facilities located within or adjacent to the salon/shop or mobile unit;
  - (c) Any room used wholly or in part as a salon/shop or mobile unit shall not be used for residential purposes, except that toilet facilities may be used for both residential and business purposes;
  - (d) Meet the zoning requirements of the county, city, or town, as appropriate;
  - (e) Provide for safe storage and labeling of chemicals used in the practices under this chapter;
  - (f) Meet all applicable local and state fire codes; and
  - (g) Certify that the salon/shop or mobile unit is covered by a public liability insurance policy in an amount not less than one hundred thousand dollars for combined bodily injury and property damage liability.
- (2) The director may by rule determine other requirements that are necessary for safety and sanitation of salons/shops, personal services, or mobile units. The director may consult with the state board of health and the department of labor and industries in establishing minimum salon/shop, personal services, and mobile unit safety requirements.
- (3) Personal services license holders shall certify coverage of a public liability insurance policy in an amount not less than one hundred thousand dollars for combined bodily injury and property damage liability.
- (4) Upon receipt of a written complaint that a salon/shop or mobile unit has violated any provisions of this chapter, chapter 18.235 RCW, or the rules adopted under either chapter, or at least once every two years for an existing salon/shop or mobile unit, the director or the director's designee shall inspect each salon/shop or mobile unit. If the director determines that any salon/shop or mobile unit is not in compliance with this chapter, the director shall send written notice to the salon/shop or mobile unit. A salon/shop or mobile unit which fails to correct the conditions to the satisfaction of the director within a reasonable time shall, upon due notice, be subject to the penalties imposed by the director under RCW 18.235.110. The director may enter any salon/shop or mobile unit during business hours for the purpose of inspection. The director may contract with health authorities of local governments to conduct the inspections under this subsection.
- (5) A salon/shop, personal services, or mobile unit shall obtain a certificate of registration from the department of revenue.

(6) This section does not prohibit the use of motor homes as mobile units if the motor home meets the health and safety standards of this section.

(7) Salon/shop or mobile unit licenses issued by the department must be posted in the salon/shop or mobile unit's reception area.

(8) Cosmetology, barbering, esthetics, and manicuring licenses issued by the department must be posted at the licensed person's work station.

**RCW 18.16.180 Salon/shop — Notice required.**

(1) The director shall prepare and provide to all licensed salons/shops a notice to consumers. At a minimum, the notice shall state that cosmetology, barber, esthetics, and manicure salons/shops are required to be licensed, that salons/shops are required to maintain minimum safety and sanitation standards, that customer complaints regarding salons/shops may be reported to the department, and a telephone number and address where complaints may be made.

(2) An approved apprenticeship shop must post a notice to consumers in the reception area of the salon/shop stating that services may be provided by an apprentice. At a minimum, the notice must state: "This shop is a participant in a state-approved apprenticeship program. Apprentices in this program are in training and have not yet received a license."

**RCW 18.16.280 Cosmetology apprenticeship pilot program.**

(1) An approved cosmetology apprenticeship program is hereby created. The apprenticeship program allows for the direct entry of individuals into a training program approved as provided in this chapter and chapter 49.04 RCW.

(2) The department of licensing shall adopt rules, including a mandatory requirement that apprentices complete in-classroom theory courses as a part of their training, to provide for the licensure of participants of the apprenticeship program.

(3) Apprenticeship salon/shops participating in the apprenticeship program must:

- (a) Be approved as an approved apprenticeship program conducted in an approved salon/shop by the Washington state apprenticeship and training council in accordance with chapter 49.04 RCW; and
- (b) Provide the department with the names of all individuals acting as apprentice trainers.

(4) To act as an apprentice trainer, an individual must be approved by the department. To be approved, the trainer must hold a current license in the practice for which he or she is providing training and must have held that license for a minimum of three consecutive years.

(5) If an approved apprenticeship program or apprenticeship shop implements changes



affecting the information required to be provided to the department under this section or rules adopted under this section, the revised information must be submitted to the department before implementing the changes.

(6) The director or the director's designee shall audit and inspect approved apprenticeship shops for compliance with this chapter at least annually. If the director determines that an approved apprenticeship shop is not maintaining the standards required by this chapter, written notice thereof must be given to the approved apprenticeship program and apprenticeship shop. An approved apprenticeship shop that fails to correct the conditions listed in the notice to the satisfaction of the director within a reasonable time may be subject to penalties imposed under RCW 18.235.110.